IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4437 of 2005

Between:

M. Srinivas, S/o. Ilaiah,
The Eenadu Co-operative Urban Bank Ltd. Medak District.

..... PETITIONER

AND

1 The District Co-operative Officer, Hyderabad.
2 The Eenadu Co-operative Urban Bank Limited, rep by its Managing

Director/Chief Executive Officer,
5-11, 1st Floor, S.r. House, Chandanagar,

Serilingampally, Hyderabad - 50.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned letter No. ECUB/2746/2004-05 dt. 28-2-2005 of the 2nd respondent dispensing with the services of the petitioner without following the due process of law, as wholly illegal, arbitrary, unjust and against to the principles of natural justice and consequently set-aside the same, and to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.JALAKAM.SAMPATH KUMAR

Counsel for the Respondent No.1: GP FOR COOPERATION

The Court at the admission stage made the following:

ORDER:

Challenging the termination orders, dated 28.02.2005, dispensing with the services of the petitioner, without following the due process of law, issued by the 2nd respondent, the present writ petition is filed.

The petitioner was appointed as a Driver-cum-Sub staff in the 2nd respondent Bank, after undergoing selection process, on 23.09.2002. Thereafter, his services in the 2nd respondent bank were confirmed on 30.10.2003. The 2nd respondent issued the impugned termination orders, dispensing with the services of the petitioner, along with a bankers cheque for Rs.6,325/-. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contended that without issuing any notice, the petitioner was terminated from services, and therefore, it amounts to violation of principles of natural justice, and that as the services of the petitioner were confirmed, without recourse of due process of law, the termination order, passed by the 2nd respondent, is bad.

As seen from the impugned proceedings, the Board of Directors have decided to dispense with the services of the petitioner with immediate effect as they considered that the services of the petitioner are not required by the bank any more, and therefore, they have decided to pay three months salary in lieu of notice, and accordingly, they sent a bankers cheque for Rs.6,325/-. The said order is not shown

to have been issued contrary to the service conditions, governing the service rules of the petitioner, so also, the said order is not shown to have been issued contrary to the appointment order of the petitioner.

The remedy of the petitioner is to challenge the impugned order if it is not issued in accordance with law under the Industrial Disputes Act or under the A.P. Shops and Establishment Act. Therefore, in the absence of any infringement of any legal right in issuing the impugned proceedings, the writ petition is not maintainable.

Therefore, the Writ Petition is dismissed. However, liberty is given to the petitioner to challenge the impugned order in appropriate proceedings, and all the remedies and contentions, raised in this writ petition are left open. No order as to costs.

Dated: 09.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The District Cooperative Oficer,

Hyderabad

2. The Managing Director/Chief Executive,

The Eenadu Cooperative Urban Bank Limited,

5-11, 1st Floor, S.R.House,

Chandanagar, Serilingampally, Hyderabad-50

3. Two CCs to the Government Pleader

for Cooperation, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies

5. 1 CC to MR.SAMPATH KUMAR

*Form-NIC-OGS/WP{**RLD**}*